

**BEFORE THE CHRISTCHURCH CITY COUNCIL
HEARINGS COMMISSIONERS**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER proposed Plan Change 4 (Short-term accommodation) to the
Christchurch District Plan

**SUMMARY OF LEGAL SUBMISSIONS FOR
THE CHRISTCHURCH CITY COUNCIL ON PROPOSED PLAN CHANGE 4**

Dated: 18 October 2021

Christchurch City Council

53 Hereford Street, Christchurch, 8011

PO Box 73016, Christchurch, 8154

Solicitor: Cedric Carranceja / Sophie Meares

Tel: 371 3532 / 027 460 6639

Email: cedric.carranceja@buddlefindlay.com / Sophie.Meares@ccc.govt.nz

MAY IT PLEASE THE COMMISSIONERS

1. WHAT IS PROPOSED?

- 1.1 At present, the District Plan distinguishes between hosted and unhosted visitor accommodation, with unhosted accommodation generally requiring resource consent as a discretionary activity. The existing District Plan provides a limited objective and policy framework to enable the Council to approve visitor accommodation in residential units, even where adverse environmental effects are shown to be less than minor. The Environment Court has suggested Council initiate a plan change.
- 1.2 Proposed Plan Change 4 (**PC4**) seeks to strike a balance between enabling business and tourism activities in Christchurch, including allowing the more flexible use of homes, while maintaining a pleasant neighbourhood feel in residential areas and supporting strong and resilient communities. PC4 seeks to bring greater clarity to the provisions, while providing Council an ability to grant resource consent where adverse impacts on residential amenity, coherence and character are appropriately addressed.
- 1.3 The Council recommends that the Panel accepts PC4 as revised by Mr Bayliss, as attached to his rebuttal evidence. Revised PC4:
 - (a) Removes economic outcomes in light of the agreement between economic experts.
 - (b) Has been refined following consideration of submissions and submitter evidence so that Revised PC4 is now considered to be the most appropriate in terms of section 32 of the RMA.

2. WHAT ARE THE KEY LEGAL ISSUES?

- 2.1 Section 32:
 - (a) Are the PC4 objectives the most appropriate way to achieve the purpose of the RMA?
 - (b) Are the PC4 provisions the most appropriate way for achieving the objectives?
 - (c) A comparative test: which is the "better" option or outcome?

2.2 Scope:

- (a) A submission must be "on" the plan change. Does the submission reasonably fall within the ambit of PC4? Is there a real risk that persons potentially affected by changes sought will be denied an effective opportunity to participate in decision-making?
- (b) Submission must be within the Panel's powers on a plan change considered under the RMA.

2.3 NPS-UD

- (a) Does not alter the Panel's ability to consider and manage adverse effects on amenity values arising from visitor accommodation activities.

3. WHAT ARE THE KEY EVIDENTIAL ISSUES?

3.1 Adverse social and amenity effects of visitor accommodation:

- (a) Potential for significant adverse effects if left unregulated.
- (b) Environment Court acknowledges conditions/controls on visitor accommodation as a method for ensuring adverse effects are appropriately managed.

3.2 The distinction between hosted and un-hosted visitor accommodation:

- (a) The effects are different due to the presence of an on-site host throughout the duration of stay.

3.3 The distinction between residential and other zones:

- (a) The effects are different due to the different environmental contexts anticipated by the District Plan for different zones.

3.4 Discretionary or restricted discretionary activity status:

- (a) Even if economic effects are removed from consideration, the nature of the activity, effects and the different zones are such that full discretionary activity status remains appropriate.